



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 05 2009

REPLY TO THE ATTENTION OF:

The Honorable Craig R. Fry
Indiana House of Representatives
P.O. Box 1066
Mishawaka, Indiana 46546-1066

R-19J

Dear Mr. Fry:

Thank you for your March 24, 2009 letter addressed to Administrator Jackson concerning the VIM Recycling, Inc. (VIM) facility located at 29861 Old U.S. Highway 33, Elkhart, Indiana. My staff has reviewed your letter and the associated April 16, 2009 RCRA citizen suit notice from the Legal Environmental Aid Foundation of Indiana, Inc., which concerns the same, or similar, environmental compliance issues at the VIM facility. Based upon this review and discussions with the State of Indiana, the U. S. Environmental Protection Agency, Region 5 (EPA or the Agency) has, in coordination with the State, initiated a preliminary investigation of this site.

Please note that an EPA representative recently visited the VIM facility; the Agency has discussed various environmental compliance issues at the VIM facility with the Indiana Department of Environmental Management (IDEM) and the Indiana Office of Attorney General (IOAG); and EPA continues to gather information about the VIM site. These Agency actions are necessary first steps prior to any response by EPA to the potential compliance concerns at the VIM facility which you raised in your letter. Lastly, EPA, at the request of, and in coordination with, the State of Indiana, intends to ensure that all necessary and appropriate actions are taken to protect human health and the environment at the VIM site.

If you have any other questions about EPA's involvement in this matter or you would like to discuss the issues you raised in your letter in more detail, please feel free to contact me or please have your staff contact Mr. Paul Ruesch, the EPA environmental engineer assigned to the VIM facility, at (312) 886-7898 or via email at ruesch.paul@epa.gov. Thank you.

Sincerely,

Bharat Mathur *for*
Acting Regional Administrator